

STATUTES

Made at WESTMINSTER, Anno 14 EDW. III. Stat. 1, and Anno primo of his Reign of FRANCE, and A. D. 1340.

CAP. VI.

A Record which is defective by Misprision of a Clerk, shall be amended.

Item it is assented, That by the Misprision of a Clerk in any place wheresoever it be, no Process shall be adnulled, or discontinued, by mistaking in writing one Syllable, or one Letter too much or too little; (2) but as soon as the thing is perceived, by Challenge of the Party, or in other manner, it shall be hastily amended in due form, without giving Advantage to the Party that challengeth the same because of such Misprision.

Item est assentu & establiqe par mesprision du clerc en quecumque place que ce soit ne ne soit proces anientiz ne discontinues par mesprendre escrivant un letre ou un silable tropp ou trop poi mes si tot que la chose aparceu par chalenge du partie ou en autre manere soit hastivement amende en due forme sanz doner avantage a partie que ce chalange par cause de tieu mesprision.

The general principle governing amendments at common law is, that so long as the proceedings are in *paper*, i. e. until judgment is signed and enrolled, the Court has power to permit them to be amended, see Tidd Prac. 696 *et seq.* But after the term of which judgment is signed and the pleadings, &c., are enrolled, the proceedings can no longer be considered in paper, **168** and hence it is said that the Courts then will allow *amendments only so far as permitted by the Statutes of Amendment. In particular instances, indeed, amendments have been allowed to a greater extent, but in these cases the proceedings must have been treated as still being in paper; for in cases where the Courts cannot help seeing that the proceedings are enrolled in fact, they have no power other than that the law gives, *ibid.* In Maryland the proceedings are not entered on parchment rolls and filed away, *Boetler v. State*, 8 G. & J. 359, nor since the Act of 1817, ch. 119, are all judgments recorded, see Code, Art. 18, secs. 16-19.¹ But the law is the same in this respect, that after the term at which judgment is entered, the Courts have no power over it or the anterior proceedings further than that given them by law; see Stat. 4 H. 4, c. 3, *infra*, and the large powers of amendment habitually exercised are therefore in general con-

¹ Code 1911, Art. 17, secs. 19, 20, 23, 21; *State v. Logan*, 33 Md. 1.